



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 18, 2024

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Trevor Milton*, S1 21 Cr. 478 (ER)

Dear Judge Ramos:

The Government writes regarding restitution in this case. By way of background, on December 18, 2023, the Court imposed sentence and stated that it would impose restitution, but left open the issue of the amount of restitution pending receipt of further information from the Government. (Sentencing Tr. 89).

Particularly in light of the number of victims in this case and potential complexity of restitution in this case, the Government has engaged with counsel for the defendant to permit the Government to maximize actual compensation and assure fair distribution to victims. The parties are currently actively negotiating a resolution to outstanding issues relating to and a process for distribution of restitution, and those negotiations remain ongoing.

As the Court is aware, Section 3664 provides for a period of 90 days after sentencing for the Court to make a final determination of victim losses. 18 U.S.C. § 3664(d)(5). However, as the Supreme Court has made clear, this provision is a so-called "time-related directive" only, which does not limit the power of the Court to order restitution even after the expiration of this 90-day period. *Dolan v. United States*, 560 U.S. 605, 610-11 (2010); *see also United States v. Avenatti*, 81 F.4th 171, 203-07 (2d Cir. 2023).

Additional time past the 90-day period in this case would permit the parties an opportunity to resolve outstanding issues related to restitution without the need for further litigation and the Government to ensure maximal compensation for victims. Accordingly, the Government respectfully requests that the Court permit the parties to provide a further update to the Court regarding restitution once a resolution has been reached, or intervention by the Court becomes necessary.

Respectfully submitted,

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cc: Counsel of Record (by ECF)